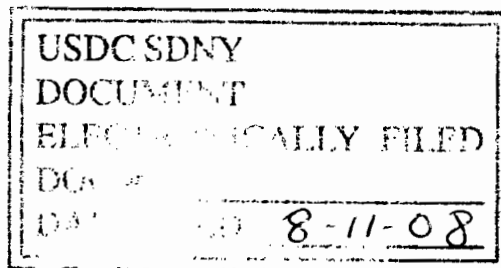


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	x	
PENGUIN MARITIME LTD,	:	
	:	
Plaintiff,	:	08 Civ. 6570 (JSR)
	:	
-v-	:	<u>ORDER</u>
	:	
LEE & MUIRHEAD LTD., a/k/a LEE &	:	
MUIRHEAD PVT LTD.,	:	
	:	
Defendant.	:	
-----	x	
JED S. RAKOFF, U.S.D.J.		



On July 24, 2008, the plaintiff in this action submitted to the Court a proposed Order Directing Clerk to Issue Process of Maritime Attachment and Garnishment. The Court originally declined to sign that order, as it believed doing so would contradict the Court's earlier decision in Seamar Shipping Corp. v. Kremikovtzi Trade Ltd., 461 F. Supp. 2d 222 (S.D.N.Y. 2006). The Court agreed to sign a modified version of the Order, which it duly did on August 4, 2008, and invited briefing on the broader order originally requested. This briefing urged the Court to reconsider its ruling in Seamar. Upon further reflection, however, in light of the fact that the defendant in this action has not yet appeared, the Court has decided to wait for the adversarial process to play out, rather than to limit the attachment, sua sponte, as to matters on which the Court of Appeals has not yet ruled. Accordingly, the Court now signs the Order as originally proposed, but wishes to make clear that in so doing it is in no way reconsidering its decision in Seamar.

SO ORDERED.

Dated: New York, NY
August 8, 2008


JED S. RAKOFF, U.S.D.J.